

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JUAN MORALES-BRIONES,**

**Plaintiff,**

**v.**

**No. 12-CV-0420 JEC/SMV  
10-CR-3303 JEC**

**UNITED STATES OF AMERICA,**

**Defendant.**

**ORDER DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS  
AND DIRECTING THE UNITED STATES TO ANSWER**

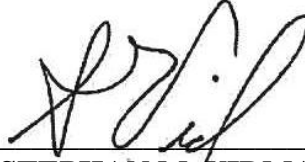
THIS MATTER is before the Court on Plaintiff's Motion to Vacate, Set Aside, or Correct Sentence [CV Doc. 1; CR Doc. 31] and his Application to Proceed in District Court Without Prepaying Fees or Costs [CV Doc. 2; CR Doc. 32] ("Motion to Proceed In Forma Pauperis"). It appearing from the record that Plaintiff has previously been found indigent [CR Doc. 5], and the Court being fully advised in the premises,

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Proceed In Forma Pauperis [CV Doc. 2; CR Doc. 32] is **DENIED** as moot and that Plaintiff be considered to be proceeding in forma pauperis;

**IT IS FURTHER ORDERED** that the Clerk is directed to forward to the United States of America a copy of Plaintiff's Motion to Vacate, Set Aside, or Correct Sentence [CV Doc. 1; CR Doc. 31] and supporting papers and exhibits, if any, together with a copy of this order; and

**IT IS FURTHER ORDERED** that the United States of America respond to Plaintiff's Motion to Vacate, Set Aside, or Correct Sentence [CV Doc. 1; CR Doc. 31] no later than **Friday, May 18, 2012**.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**